

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH  
FLEXIBLE COMPOSITE  
HERNIA MESH PRODUCTS  
LIABILITY LITIGATION

: MDL DOCKET NO. 2782  
: CIVIL ACTION NO.  
: 1:17-MD-02782-RWS

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This document relates to:

Juniya Yaguru, Individually and O/B/O the Estate of Cornelius Yugwa v.

Ethicon, Inc., et al

Civil Action No.: \_\_\_\_\_

**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate the Master Complaint in MDL No. 2782 by reference. Plaintiff(s) further show the court as follows:

1. Plaintiff Implanted with Physiomesh

Cornelius Yugwa

2. Plaintiff's Spouse (if applicable)

Juniya Yaguru

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

Juniya Yaguru, Wrongful Death Beneficiary

4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint

TN \_\_\_\_\_

\_\_\_\_\_

5. State of Residence and Citizenship at the Time of Implantation

TN \_\_\_\_\_

\_\_\_\_\_

6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

United States District Court for the District of New Jersey

\_\_\_\_\_

\_\_\_\_\_

7. Defendants (Check Defendants against whom Complaint is made):

A. Ethicon, Inc.

B. Johnson & Johnson

8. Basis of Jurisdiction

Diversity of Citizenship (28 U.S.C. § 1332(a))

Other: \_\_\_\_\_

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

11-13

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Other allegations of jurisdiction and venue:

N/A

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9.

| Date(s) Plaintiff was Implanted with Physiomesh (list date of each implant surgery, where applicable, on separate line) | Hospital(s) where Plaintiff was implanted with Physiomesh (include City and State of Hospital) | Implanting Surgeon(s) |
|---|--|-----------------------|
| 04/07/2011  | Southern Hills Medical Center<br>Nashville, TN   | Suhail Allos, MD      |
|   |  |                       |
|   |  |                       |

10. Counts in the Master Complaint brought by Plaintiff(s):

- Count I – Strict Product Liability – Defective Design
- Count II – Strict Product Liability – Failure to Warn
- Count III – Strict Product Liability – Manufacturing Defect
- Count IV – Negligence
- Count V – Consumer Protection Laws (Please identify applicable State Consumer Protection law(s) and state any additional facts and legal basis for application of State Consumer Protection law(s) in this case)

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- Count VI – Gross Negligence
- Count VII – Loss of Consortium
- Count VIII – Punitive Damages
- Count IX – Discovery Rule, Equitable Tolling/Estoppel (Please state any additional facts and legal basis for Discovery Rule and Tolling below)

Despite diligent investigation by Plaintiff into the cause of her injuries, including consultation with Plaintiff's medical providers, the nature of Plaintiff's injuries

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and damages, and their relationship to Physiomesh was not discovered, and through reasonable care and due diligence could not have been discovered, until a date within

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the applicable statute of limitations for filing Plaintiff's claims. Defendant is estopped from asserting a statute of limitations defense due to Defendant's fraudulent

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concealment, through affirmative misrepresentations and omissions, from Plaintiff's physicians of the true risks associated with Proceed.

Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):

Wrongful Death: Decedent Cornelius Yugwa suffered complications from the failure of the Physiomesh Flexible Composite mesh. Such complications were the proximate cause of Mr. Yugwa's death

Jury Trial is Demanded as to All Counts  
 Jury Trial is NOT Demanded as to Any Count

s/ Adam M. Evans

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

Adam M. Evans  
Brenes Law Group, P.C.  
1200 Main St., Suite 2120  
Kansas City, MO 64105  
(949) 397-9360 Telephone  
aevans@breneslawgroup.com